

From S. F.:
Honolulu, Oct. 9
For S. F.:
Wilhelmina, Oct. 9
From Vancouver:
Zealandia, Oct. 9
For Vancouver:
Marama, Oct. 8.

Honolulu Star-Bulletin

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DOLE'S NOTED II DECISION IS UPHELD IN S. F.

BIG ESTATE CASE UPHELD ON APPEAL

Dole's Decision
of 1910 Is
Valid

Upholding a noted decision by Federal Judge Dole, made on September 1, 1910, the Ninth circuit court of appeals, San Francisco, has reaffirmed Judge Dole's ruling in one of the most famous cases in the annals of Hawaiian jurisprudence—the Ii estate case.

Involving primarily only the disposition of \$10,000 from the condemnation of lands at Pearl Harbor naval station, the case really relates rights of an estate now estimated at over a million dollars and which in 1910, for the purposes of the suit, was valued at \$500,000.

Technically the case is known as The United States of America vs. John Ii Estate, Ltd., an Hawaiian corporation, et al.

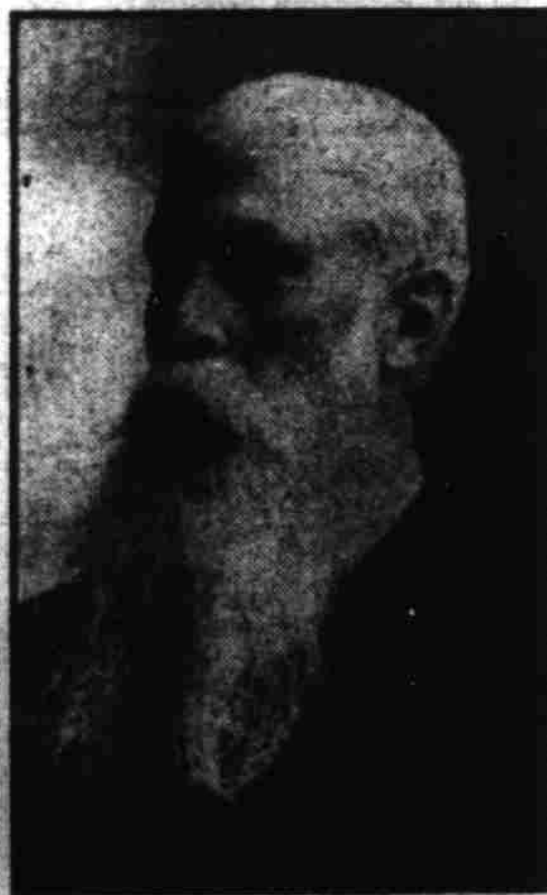
Shorn of legal verbiage, it related to the disposition of the \$10,000 from Uncle Sam's condemnation of lands belonging to the estate and which were wanted for military purposes at Pearl Harbor. The distribution of this \$10,000 was in long litigation. Judge Dole's decision gave larger rights to the heirs than were recognized under the other decisions, and he declared, in his ruling, other findings null and void, including an ancient Hawaiian Supreme Court decision. The heirs are the son and daughter of Mrs. Irene Holloway by a former husband, C. A. Brown.

Thompson, Clemons & Wilder, now Thompson, Wilder, Watson & Lymer are the attorneys for the claimants, and Magoon & Weaver were attorneys for the defendants, while District Attorney Brockens represented the plaintiff. Associated with Mr. Magoon also was Judge Silliman, formerly of Honolulu, now of New York. The case was appealed from Judge Dole's decision and Judge Wilder argued for the defendants last October before the appeals court in San Francisco. Judge Dole's decision granting the defendant heirs larger rights is now upheld, a cablegram to Thompson, Wilder, Watson & Lymer having brought the news of the decision in San Francisco.

Judge Dole was naturally much pleased with the finding upholding his decision when told of it by the Star-Bulletin today. The decision is recognized as a very important legal document bearing on other than the immediate case at issue.

The Decision.

Judge Dole's decision, handed down.



JUDGE S. B. DOLE
Whose decision is upheld in San Francisco.

On September 1, 1910, said, in review of the case and disposition of the ten thousand dollars:

The court having awarded the sum of ten thousand dollars to the defendants herein, as compensation for their claim and interest in the real property condemned and taken in these proceedings for the use of the plaintiff under the law of eminent domain, and such sum of ten thousand dollars having been deposited by the plaintiff in the registry of the court subject to further proceedings for the determination of the respective claims of the defendants to the said fund, and notice accordingly having been served on the defendants or their counsel, the following claims were presented and tried before this court, to-wit:

By the said John Ii Estate, Limited, one of the said defendants, ten thousand dollars, being the whole of the said fund;

By the said George H. Brown, one of the said defendants, who has since the beginning of these proceedings arrived at the age of majority, "a one-third share or interest therein of the said Irene H. Holloway, or the said John Ii Estate, Limited, as the assignee of her life interest," and

By the said Francis Hyde II Brown, a minor, one of the said defendants.

(Continued on page 3.)

MAY BRING LABOR HERE FROM POLAND

Dr. Victor S. Clark and Raymond C. Brown Go to Warsaw on Mission

COMMISSIONERS GET
DATA FOR AUTHORITIES

Will Approach Russian Government Through Semi-Official Committee

Dr. Victor S. Clark, commissioner of immigration, and Raymond C. Brown, agent in Europe of the territorial board, are now in Warsaw, Poland, on an investigation that may mean the bringing in of a large number of Russian and Polish peasants as agricultural laborers here.

The first intimation that Dr. Clark is finding the kind of laborers that Hawaii needs in the fields is contained in a letter to the board in which he outlines what his present activities are.

Dr. Clark has been engaged in drafting a long report on general conditions in Hawaii to be presented to the Committee of the Volunteer Fleet. Just what this committee is has not been made entirely plain, but it seems to be a semi-official body looking after certain industrial activities in Russia and connected primarily with commerce. Under its direction there are many steamers operating out of Odessa, according to meagre information available here, and the "volunteer fleet," it is thought, is a kind of Russian naval reserve force to be called upon in times of emergencies.

From Dr. Clark's letter it is gathered that he has found it advisable to approach the Russian government on the subject of immigration to Hawaii through this committee of the volunteer fleet, from which the members of the board are inclined to believe that the committee has a kind of official charge of immigration matters.

According to latest information, Dr. Clark and Mr. Brown left St. Petersburg last Thursday for Warsaw. This move, it is understood, is to investigate the possibility of getting Polish immigrants to Hawaii in case the government does not look kindly on their leaving Russia or Siberia.

If the commissioner finds agricultural laborers available, the board will bring them to Hawaii, but since the recent investigation of Russians already brought to the territory, which showed that less than 200 out of some 2000 remained on the plantations, the board does not intend to bring Russians here unless they are known to be agriculturalists.

Count and Countess de Cisneros, who are to participate in a series of concerts at a local theater, arrived as passengers in the Canadian-Australian liner Marama this afternoon.

The talented artists included in the Cisneros company will make an extended stay at Honolulu, taking a liner for San Francisco.

The Cisneros company kindly consented to participation in a concert given on board the liner, the proceeds being devoted to a charitable purpose.

Madame Cisneros stated this afternoon that she was delighted to again visit Honolulu.

Solomon Pili, who was fined \$15 and costs in district court on the charge of assault and battery, this morning withdrew his appeal to the circuit court and paid the fine.

Charles Miamoto today withdrew his appeal to the circuit from the district court's decision, fining him \$75 and costs on the charge of conducting a disorderly house.

Hung Tai Chung, accused of opium smuggling, this morning altered his plea, admitting guilt. He will receive sentence Saturday morning.

The Federal grand jury met at 2 o'clock this afternoon, when it expected to complete its report, which will be submitted to the court tomorrow.

Yesterdays the helmets were turned in, and the old familiar slouch hats given back. The officers donned

their khaki service caps, and were equally pleased at the change.

While Major Neville, commanding the marine battalion at Camp Verry, has not made public the text of his report, it is expected from the fact that the helmets have been turned in, that it will be adverse to their adoption for Honolulu service. It is admitted that while the helmet is a good one, it is not necessary for this climate, and not as convenient for the men.

The marine corps has a peculiarly sound and sane policy of trying out uniform changes before ordering them, and letting the men themselves have something to say as to what is best for them to wear. The helmets have been given a thorough trial, and have been found wanting, and that's all there is to it. At that, during the hot summer days some of the men would have found the felt hats less comfortable.

"The helmets were too hard to keep on and too hard to hang up," said one enlisted man this morning. "And on the target range we couldn't do anything with them. It feels good to get the old hats back again, that a man can sleep on it if he wants to and not find it all smashed when he wakes up. I think everybody in camp is glad that the 'buckets' have been turned in."

Hilo, which has just been completed, will also be examined, as well as the new boat landings at Mahukona and at Napoona.

Hundreds of men and women in bathing at Mobile, Ala., came out black. Creosote had escaped from a wrecked lighter.

The fact that American Danes have presented a 440-acre park to Denmark indicates that that country must be slightly larger than generally supposed.

BOSTON DEFEATS NEW YORK, 4 TO 3

[Associated Press Cable]
NEW YORK, N. Y., Oct. 8.—Before an enormous crowd at the Polo Grounds today, the Boston Red Sox, champions of the American League, defeated the New York Giants, National League champions, by a score of 4 to 3 in the first of the series for the world's championship.
Joe Wood, the star Boston twirler, was the hero of the day. He gave eight scattered hits and the Giants were helpless most of the time. On the other hand, the Boston batters got to "Jeff" Touseau, McGraw's young star, and drove him from the box, Crandall succeeding him. Boston bunched six hits. Each team had one error. Cady caught for Boston and Meyers for New York.

\$50,000 FUND BY PLANTERS NOW DENIED

Report of Contribution for Taft Campaign Declared Untrue

"The report is absolutely without foundation," said W. O. Smith, secretary of the Hawaiian Sugar Planters' Association, when questioned this morning about a rumor around town that the planters had contributed \$50,000 to the campaign fund of President Taft.

"I don't know, either, of one dollar subscribed to the Taft campaign fund by any sugar corporation," Mr. Smith added. "Such an act would be illegal. There is a law forbidding corporations from contributing to the campaign fund of any candidate for President of the United States or member of Congress."

"Although the Planters' Association is not a corporation, it represents corporations, and the law forbids political contributions, directly or indirectly, on the part of corporations."

SUFFRAGISTS PLAN ACTIVE PART IN PRESENT CAMPAIGN

Will Hold Public Meeting for Addresses by Various Candidates

Plans are being made by the Women's Equal Suffrage association of Hawaii for a public meeting when the candidates of the various political parties engaged in the campaign, both territorial and municipal, will be asked to appear and make short addresses.

The Hawaiian suffragists will take a more active part in this campaign than ever before, assisted by the organization of women, which is growing steadily. That the women are going to have a voice, even though no vote, in the selection of office-holders, is evident by the plans made for the meeting and the speeches by the candidates.

Delegate Kuhio seems to have considerably more strength among the suffragists than L. L. McCandless, according to the guarded utterances of several prominent Hawaiian women.

It was stated today that in all likelihood the Equal Suffrage association will endorse a number of candidates at a meeting to be held some time before the election.

MARINES QUIT "COAL SCUTTLES" AND GO BACK TO REAL HATS

Helmets Abandoned, Not Considered Necessary for Wear in Hawaii

The marines are wearing extra large smiles these days. A while back the little glooms were much in evidence, because Camp Verry was so far removed from Nicaragua, but yesterday a hand of Joys danced into the barracks, grabbed all the khaki helmets that they could find, and restored to the marines their beloved campaign hats. The hard luck of the fighting man who is too far away from the seat of war to do any fighting and in the service that's the quintessence of hard luck—was immediately forgotten in the joy of getting the "coal scuttles" out of the way.

Just six months ago officers and enlisted men were issued pith helmets, to be tried out for garrison wear in the tropics. The helmets looked smart and soldierly, but they were cumbersome, and the men found it hard to keep them on when they were double timing, or in fact doing anything but a dignified sentry-go.

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FURNITURE IN NEW JUDICIARY BUILDING WILL BE FIREPROOF

Satisfactory progress is reported on the reconstruction of the judiciary building, and Assistant Superintendent of Public Works Wheeler stated today that portions of the edifice probably will be ready for occupation by the first of the new year. The tax assessor's office, with its great mass of records, and the law library probably will be the first to move into the structure, with the various courts following as their apartments are completed.

The new judiciary building is to be as nearly fireproof as human ingenuity can make it. This idea is to be followed to such extremes that all the furniture is to be of iron work. Mr. Wheeler was busy today making specifications for the steel bookcases, chairs and desks and other paraphernalia that will be installed.

Peyton Gordon, special agent from the U. S. Attorney General's office, spent only a brief time in Honolulu on his return trip to the mainland from Japan, and during his stop here took up no matters of local interest. He came in on the Siberia yesterday and continued on his way when the same ship sailed out of port this morning.

Many a good farmer never saw an agricultural college.

BALKANS DECLARE WAR HARD FIGHTING ENSUES

Plans Of Great Powers For Intervention Ignored by Allies--Servia Votes \$9,000,000 To Carry Conflict

[Associated Press Cable]
CETTINJE, Montenegro, Oct. 8.—Ignoring the plans of the great powers for intervention, the confederated Balkan states have declared war against Turkey and heavy fighting is taking place all along the frontier.

BELGRADE, Servia, Oct. 8.—The Assembly has voted \$9,000,000 war credits.

McVeagh Explains T. R. Story

[Associated Press Cable]
WASHINGTON, D. C., Oct. 8.—Wayne McVeagh, attorney general of the United States in Garfield's cabinet, testified today before the Senate committee on campaign funds today that he stood beside H. McK. Twombly, representing the Vanderbilt family and not Morgan, when Harriman telephoned a request for \$50,000 to aid Roosevelt in his 1904 campaign. He said that Twombly said that Harriman had represented that Roosevelt had insisted on an additional contribution to the campaign fund.

McVeagh was named in the testimony yesterday of a newspaper correspondent, Judson C. Welliver, who said that McVeagh had told him he was standing beside J. Pierpont Morgan when Harriman called up to secure additional aid for Roosevelt.

Fifty Killed In Explosion

[Associated Press Cable]
TAMPICO, Fla., Oct. 8.—Fifty persons were killed and a hundred injured here today through the explosion in a warehouse of 500 tons of powder.

THERE ARE JUDGES AND JUDGES, AS CHILLINGWORTH LEARNS

New Face on Bench and New Scale of Fines, and Attorney Is Dismayed

There are judges and judges, as Attorney Charles Chillingworth learned yesterday, when he appeared for a client, Fukumoto, charged with fast driving by A. K. Vierra. It seems that when Fukumoto was arrested, Chillingworth, as attorney for the Hackmen's Union, had favored his forfeiting the \$10 bail he had put up. Chillingworth says the officers at the police station demurred and said it would be better for Fukumoto to appear and take the usual fine of \$5 and costs, whereupon Chillingworth agreed.

Now, it appears that Judge Monarrat, who has been in the custom of imposing \$5 fines in such cases, is

absent, and Judge Larnach of the second district is sitting in his place.

Chillingworth, not figuring that there would be any difference in the fine imposed, entered a plea of guilty for his client.

"I fine him \$25 and costs," remarked Judge Larnach pleasantly, this being the limit.

"What's the matter, he say?" questioned Fukumoto.

"Twenty-five dollars and costs," said Chillingworth dully.

"O-o-ee! More better I no come," shrieked Fukumoto dismayed.

And then Mr. Chillingworth made a quick run for the clerk's office and came back waving an appeal blank.

He will take the case to the Circuit Court on the ground that cruel and unusual punishment has been inflicted.

reply the Secretary of the Treasury will immediately issue a call for bids on the proposed structure.

U. S. READY TO BUILD AT HILO

Fear Hears from Treasury Department as to Plans for Structure

An indication that the government is preparing to let the contract at an early date for the construction of the Federal building at Hilo, for which Congress has appropriated \$200,000, was received today by Governor Fear, in the form of a communication from the Assistant Secretary of the Treasury.

The letter is an inquiry into the present status of the case, asking whether the stipulations made by the Federal government have been complied with. The Governor says that the conditions set forth have been met by the Territory, and that all is now in readiness for the actual building construction.

The original block intended for the Federal building site could not be obtained in its entirety. It was unusually large, however, so it was divided into two parts, a street laid along the bisecting line and the complete half then set aside for the Federal government, the remainder of the large block being turned over to the Territory.

The street is now an established fact and the old lease, held by Luther Severance, has been canceled. These were the principal requirements asked of the Territory by the Federal government, and it is thought that upon receipt of Governor Fear's favorable

reply the Secretary of the Treasury will immediately issue a call for bids on the proposed structure.

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Honolulu Needs A Band; And Army May Spare One

While Troops Are at Maneuvers, Schofield Musicians Could Appear Here

Although the Territorial band is taking its annual vacation this month, there is a chance that Honolulu will not be entirely bandless during the latter part of the month. When in doubt, Honolulu is beginning to turn to the army as a matter of course, and usually the army finds a way to "come through."

Every so often Fort Shafter, which has no regular musical organization, gets the loan of one of the regimental bands from Schofield, and for a few fleeting weeks everyone in the camp with a tuneless ear can steep his or her soul in music enough to last through the following season of musical drought. For some time past Shafter has been without a note, other than the trumpet calls, the fine band of the First Infantry being the last visitor, some months ago.

Now there is talk of sending the band of the First Field Artillery, to Shafter for a period, and there are several reasons why it should be sent down at this time. In the first place, Shafter has no non-combatants to leave in charge of the post when the troops are out on department maneuvers.

While it would be necessary to weaken the battalion by leaving a detachment of caretakers behind. At Schofield it is planned to leave the bands in charge of the post, but it is quite possible that three bands could look after things, so if the Field Artillery musicians were sent to Shafter, the third battalion of the Second Infantry could put its full strength into the field. Incidentally, General Macomb might be counted on to give the music-lovers of Honolulu a treat while their own band is laying off, by allowing the Field Artillery to give one or two concerts a week in town.

The Second Infantry, First Infantry and Fifth Cavalry bands have all played in this city at one time or another, but outside of parades, the First Artillery's splendid mounted music has not been heard.

HE CAN'T GET ON TICKET; DEMOCRATS NOT WORRIED

Maui Man Who Sent Papers to McCandless Not Regular Nominee of Party

While he has not definitely decided the point nor handed out his written opinion, Attorney General Alex. Lindsay said this morning he is convinced that S. K. Aoleinoia, democratic aspirant for representative from Maui, can have no standing under the law governing nominations; that Territorial Secretary Mott-Smith does not have to collect nominations from the postoffice, and that therefore Aoleinoia's name cannot be on the ballot.

However, this little bit of pillkka for the aspirant individually, who didn't get his papers to Mott-Smith because he mailed them to L. L. McCandless instead of the Secretary, isn't worrying the democrats here. Infact they are inclined to do a little unostentatious rejoicing over the affair. They say Aoleinoia is not a candidate on the regular party, that his name was put in by the opposition in the hope of defeating one of the two regular party men and that he was not entitled to the party support.

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